

Further misbranding, Section 502 (e) (1), a portion of the *dextro-amphetamine sulfate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: September 17, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against Defendant Canales and a fine of \$500 against Defendant Hall. The court imposed also a sentence of 6 months in jail against each defendant, which was suspended, and placed each defendant on probation for 1 year.

3562. Misbranding of *dextro-amphetamine sulfate tablets*, *methyltestosterone tablets*, and *d-desoxyephedrine hydrochloride tablets*. U. S. v. Houston's Drug Store, Inc., and Glenn Jackson. Plea of nolo contendere for corporation and plea of guilty for individual. Fine of \$250 against corporation; sentence of 1 year's imprisonment against individual. Individual's sentence suspended and this defendant placed on probation for 5 years. (F. D. C. No. 30016. Sample Nos. 63672-K, 63948-K, 81811-K, 81822-K, 81825-K.)

INFORMATION FILED: On or about January 2, 1951, Southern District of Florida, against Houston's Drug Store, Inc., Jacksonville, Fla., and Glenn Jackson, secretary-treasurer of the corporation.

INTERSTATE SHIPMENT: From the States of Pennsylvania, New Jersey, and New York, into the State of Florida, of quantities of *dextro-amphetamine sulfate tablets*, *methyltestosterone tablets*, and *d-desoxyephedrine hydrochloride tablets*.

ALLEGED VIOLATION: On or about April 10, 25, 27, and 29, and May 1, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused one bottle of *methyltestosterone tablets* to be sold and disposed of to a purchaser in the original bottle in which the tablets had been shipped in interstate commerce, without the prescription of a physician; and the defendants repacked various quantities of *dextro-amphetamine sulfate tablets* and *d-desoxyephedrine hydrochloride tablets* and sold the repackaged drugs without prescriptions, which acts of the defendants resulted in the drugs being misbranded.

NATURE OF CHARGE: *Methyltestosterone tablets*. Misbranding, Section 502 (f) (1), the labeling of the drug bore no directions for use. (The bottle in which the tablets were shipped in interstate commerce bore no directions for use since it was exempted from such requirement by the statement on the label "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the drug without a physician's prescription, however, caused the exemption to expire.)

*Dextro-amphetamine sulfate tablets* and *d-desoxyephedrine hydrochloride tablets*. Misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear any directions for use.

Further misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents since the label of a portion of the repackaged *d-desoxyephedrine hydrochloride tablets* bore the statement "100," whereas the bottle contained less than 100 tablets; and the remainder of the repackaged *d-desoxyephedrine hydrochloride tablets* and the *dextro-amphetamine sulfate tablets* bore no labels containing statements of the quantity of the contents.